

Exhibit 1

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF
SCHOLARS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
ENERGY, JENNIFER GRANHOLM, in her
official capacity as Secretary of Energy, and
GERALDINE RICHMOND, in her official
capacity as Undersecretary of Energy for
Science and Innovation,

Defendants.

Case No. 25-cv-00077

DECLARATION OF NEVILLE S. HEDLEY

I, Neville Hedley, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and that the Exhibits to this Declaration are true and accurate copies of internet web pages from the U.S. Department of Energy's Office of Science, Technology and Innovation ("OSTI") website, <https://science.osti.gov>.

2. My full name is Neville Spencer Hedley. I reside in North Carolina and my business address is Hamilton Lincoln Law Institute, 1629 K Street, NW, Suite 300, Washington, DC, 20006. My email address is ned.hedley@hlli.org. I am attorney and a member of the bars of Illinois, California and the District of Columbia.


3. On or about December 19, 2024, I searched the Department of Energy website and located several web pages or sites related to Office of Science research grants and the Department of Energy's PIER Plan requirement.

4. The following attached exhibits to this declaration are true and accurate pdf print-outs from the Department of Energy OSTI website:

- a. The "Promoting Inclusive and Equitable Research (PIER) Plans" web page;
- b. The "Information about PIER Plans" web page;
- c. The "Things to Consider When Developing a PIER Plan" web page;
- d. The "Frequently Asked Questions" web page regarding PIER Plans;
- e. The "Q&As for Reviewers – PIER Plans" web page; and
- f. The "Q&As" web page regarding the Department of Energy's Office of Science Diversity, Equity and Inclusion policies.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 14, 2025, in Charlotte, North Carolina.



Neville S. Hedley

Exhibit 1-a



U.S. DEPARTMENT OF
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Promoting Inclusive and Equitable Research (PIER) Plans

As of FY 2023, all Department of Energy (DOE) Office of Science [Notices of Funding Opportunity and DOE National Lab Announcements](#) and other funding solicitations require applicants to submit a Promoting Inclusive and Equitable Research (PIER) Plan as an appendix to their proposal narrative. PIER Plans should describe the activities and strategies applicants will incorporate to support diverse participation and safe, professional, equitable, and inclusive environments in their research projects. PIER Plans are evaluated as part of the merit review process and will be used to inform funding decisions.

The [Office of Science \(SC\)](#) is deeply committed to supporting diverse, equitable, inclusive, and accessible work, research, and funding environments that value mutual respect and personal integrity. SC is committed to promoting people of all backgrounds, including individuals from groups and communities historically underrepresented in STEM fields and SC activities in recognition of our responsibility to serve the public¹. Transforming our understanding of nature to advance scientific discovery and U.S. energy, economic, and national security can only be accomplished by harnessing a diverse range of views, expertise, and experiences to drive scientific and technological innovation. The inclusion of PIER Plans in funding applications makes this commitment to inclusive excellence explicit and a consistent expectation for all SC-funded research and research related activities.

Applications for supplemental funding on existing awards and applications requesting funding for conferences do not require PIER Plans.

- [Information about PIER Plans](#)
- [Things to Consider When Developing a PIER Plan](#)
- [Frequently Asked Questions](#)
- [SC Overview Presentation on PIER Plans](#) (September 2024)
- [Community Informational Resources](#)
- [PIER Plan Resources for SC Program Staff](#) (Internal to SC network only)

¹Please see definitions and related information at <https://science.osti.gov/SW-DEI/DOE-Diversity-Equity-and-Inclusion-Policies/Q-and-As#definitions>

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Exhibit 1-b



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Information about PIER Plans

The information below describes the guidance language that will appear in all SC Notices of Funding Opportunity and DOE Laboratory Announcements. Some solicitations may include additional guidance language for PIER Plans tailored to the scope and objectives of the solicitation and history of the programmatic activities. Likewise, the guiding reviewer questions may include additional questions related to the scope and history of the associated programmatic activities.

Note, the PIER Plan proposal element does not apply to applications for supplemental funding on existing awards or applications requesting support for conferences. As of FY 2023, applications to the Office of Science requesting support for conferences are subject to additional requirements (See the [FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#)).

- [General Guidance Language on PIER Plans](#)
- [Merit Review Criterion and Reviewer Questions](#)
- [Things to Consider When Developing a PIER Plan](#)

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General Guidance Language on PIER Plans

The following guidance language will appear in Section IV (APPLICATION AND SUBMISSION INFORMATION), subsection D.2. (Research and Related Other Project Information) in SC's Notices of Funding Opportunity:

APPENDIX [#]: Promoting Inclusive and Equitable Research Plan

“All applications must provide a Promoting Inclusive and Equitable Research (PIER) Plan as an appendix to the research proposal narrative. The PIER plan should describe the activities and strategies of the applicant to promote equity and inclusion as an integral element to advancing scientific excellence in the research project within the context of the proposing institution and any associated research group(s)¹. Plans may include, but are not limited to: strategies for enhanced recruitment of undergraduate students, graduate students, and early-stage investigators (postdoctoral researchers, and others), including individuals from diverse backgrounds and groups historically underrepresented in the research community; strategies for creating and sustaining a positive, inclusive, safe, and professional research and training environment that fosters a sense of belonging among all research personnel; and/or training, mentoring, and professional development opportunities². **PIER Plans should be tailored to the research project.** While PIER Plans may

incorporate or build upon existing efforts of the project key personnel or applicant institution(s) to recruit diverse participants and create inclusive research environments, plans should not be a re-statement of standard institutional policies or broad principles. The complexity and detail of a PIER Plan is expected to increase with the size of the research team and the number of personnel to be supported.

For renewal applications only: Discuss briefly how this PIER Plan builds on or expands upon actions and accomplishments of the relevant efforts (e.g., PIER Plan or related activities) of the currently supported research.

Subject to the applicable cost principles, applications may request costs necessary for implementing the PIER Plan.

See also Section V for information on the Merit Review Criteria associated with this section.

- Do not attach a separate file.
- This response should not exceed three (3) pages. This appendix will not count in the project narrative page limitation.”

¹Please see definitions and related information at <https://science.osti.gov/SW-DEI/DOE-Diversity-Equity-and-Inclusion-Policies/Q-and-As#definitions>.

²Please see SC's [Things to Consider When Developing a PIER Plan](#).

Merit Review Criterion and Reviewer Questions

PIER Plans will be evaluated as part of the merit review process and will be used to inform funding decisions. The review criterion, Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research, will be included as one of the merit review criteria that peer reviewers will use to evaluate applications.

The Office of Science's standard merit review criteria are set forth by 10 CFR Part 605.10 and may include additional criteria relevant to the scope and objectives of the solicitation. In SC's Notices of Funding Opportunity, the merit review criteria and associated guiding questions for reviewers will appear in Section V (Application and Review Information). Unless otherwise tailored in the solicitation (Notices of Funding Opportunity or DOE Laboratory Call), the merit review criteria for the evaluation of applications are as follows, in descending order of importance:

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and
- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

The guiding reviewer questions for the criterion, *Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research*, may include the following:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Additional or modified reviewer questions may be included in the solicitation if applicable to the scope of the solicitation and history of the research efforts.

Exhibit 1-c



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Things to Consider When Developing a PIER Plan

Promoting Inclusive and Equitable Research (PIER) Plans should describe the activities and strategies applicants will incorporate to enhance the scientific and technical merit of the proposed research through efforts that foster inclusive research and learning environments and promote equitable access to research and research careers. Since these plans should be tailored to the proposed research, the Office of Science expects to receive a wide range of ideas and approaches in applicants' PIER Plans.

Applicants are strongly encouraged to incorporate into their PIER Plans specific actionable tasks that are tailored to the proposed research project; PIER Plans with actionable tasks and milestones tend to be rated higher in the merit review process than plans with generic statements or plans that only reference institutional policies and plans.

In developing tailored and intentional PIER Plans, applicants are encouraged consider one or more of the following areas:

The composition of the project team, including project personnel and partnering institutions and organizations.

This may include, but is not limited to:

- recruitment and inclusion of individuals from diverse backgrounds on the research project, individuals from groups [historically underrepresented in the research area](#) , and individuals from [underserved communities](#) ;
- partnering with individuals from [institutions historically underrepresented in Federal research](#), including but not limited to [minority serving institutions](#) , [non-R1 institutions of higher education](#) , emerging research institutions, and/or institutions of higher education in [EPSCoR states](#) ;
- and/or partnering with scientific professional societies or other organizations and initiatives aimed at broadening access to STEM fields.

The research environment.

This may include, but is not limited to:

- establishing and cultivating research and work environments that promote mutual respect and professionalism and productivity, where all project

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personnel feel welcome, safe, supported, and encouraged to make technical contributions to the project;

- development and/or adoption of laboratory-, community-, or collaboration-specific codes of professional conduct;
- practices and protocols for ensuring safe conduct of research and personnel safety, especially for research conducted in isolated or remote environments;
- and/or providing equitable access to research tools and facilities for researchers that need special accommodations.

The implementation of the research project, and scholarly and professional growth of project personnel.

This may include, but is not limited to:

- distribution of leadership responsibilities among project key personnel;
- mentoring and/or training opportunities for project personnel;
- equitable access of project personnel to professional development opportunities;
- inclusive and equitable plans for recognition on publications, datasets, and presentations;
- inclusive practices for community engagement and strategic planning meetings or events;
- active engagement or collaboration with institutional initiatives or initiatives led by scientific professional societies or similar organizations;
- and/or communication of research goals and results to broader audiences.

Applicants may want to consider the following questions as they develop their PIER Plan:

- How do the activities proposed in the PIER Plan enhance the scientific and/or technical merit of the proposed research project?
- How do the proposed activities and strategies support equity and inclusion as an intrinsic element to advancing scientific excellence in the research project?
- Are the proposed activities and strategies reasonable, actionable, and appropriate for the project scope and project period?
- Does the proposed research project include a clear strategy for ensuring the safety, including physical and psychological safety, of all participants, including those working in traditional workspaces (e.g., labs, offices), remote or isolated research environments, and/or atypical hours?

- Are the roles and responsibilities for implementing the PIER Plan fair and equitable and understood by the applicant's key personnel on the project?
- Do the applicant and key personnel have demonstrated experience and competencies in carrying out the proposed scope of the PIER Plan that could be emphasized?
- How are the proposed activities and strategies leveraging institutional resources or professionals, or resources available through scientific professional societies or similar organizations to support project personnel?
- Is the rationale for the proposed activities and strategies, and their potential contributions to promoting inclusion and equity within the research project, clearly described?
- Are adequate resources (including budget) requested to reasonably carry out the proposed PIER Plan?
- Are timelines or milestones for proposed activities and strategies specific and appropriate to allow for reasonable tracking of and reporting on progress?

Exhibit 1-d



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Frequently Asked Questions

The following questions and answers have been prepared to address common questions related to the Office of Science (SC) requirement for Promoting Inclusive and Equitable Research (PIER) Plans

Contents

- [Q&As for Applicants](#)
- [Q&As for Reviewers](#)
- [Q&As for SC Program Staff](#) (Internal to SC network only)

Q&As for Applicants

▼ What is a PIER Plan?

A PIER Plan is a description of activities and strategies to enhance the scientific and technical merit of the proposed research through efforts to support diverse participation and safe, professional, equitable, and inclusive environments. Plans may include, but are not limited to: strategies of key personnel and/or the applicant institution (and collaborating institutions, if applicable) for enhanced recruitment of undergraduate students, graduate students, and early-stage investigators (postdoctoral researchers, and others), including individuals from diverse backgrounds and groups historically underrepresented in the research community; strategies for creating and sustaining a positive, inclusive, safe, and professional research and training environment that fosters a sense of belonging among all research personnel; and/or training, mentoring, and professional development opportunities. PIER Plans may build from current diversity, equity, inclusion, and accessibility efforts of the key personnel and/or applicant institution, but they should be distinct from those efforts and should be an integral part of the proposed project. The PIER Plan is submitted as an appendix to the research proposal at the time of application.

Since these plans should be tailored to the proposed research, the Office of Science expects to receive a wide range of ideas and approaches in applicants' PIER Plans. Applicants may [consider a broad range of focus areas](#) for the PIER Plan.

▼ What does “inclusive and equitable research” mean?

Inclusive and equitable research refers to, but is not limited to, the research environment, the composition of the research team, the responsibilities among the research participants, and the distribution of leadership activities of the

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research personnel. Inclusion is an intentional and ongoing effort to ensure that research personnel from all backgrounds are psychologically and physically safe, fully involved and respected in all aspects of the research project, including decision-making. Equity requires that resources are distributed to provide all project personnel access to opportunity.

▼ What does the Office of Science define as “groups historically underrepresented in STEM”?

The question, “What groups are historically underrepresented in STEM?” does not have a one-size-fits-all answer. It’s a relative term and has meaning only when compared to a relevant baseline. That baseline depends on, for example, the scientific field and the education level (post-secondary, undergrad, grad, early career, mid-career, etc.).

The Office of Science encourages diverse participation in their sponsored research and promotes equity, inclusion, and accessibility broadly through PIER Plans. Applicants should look at publicly available statistical information (e.g., NSF’s [National Center for Science and Engineering Statistics](#) data) for benchmark data in specific scientific fields. It is up to the applicant to determine how to best promote diversity, equity, inclusion, and accessibility within their specific proposed research project and to determine what contributions they can make to create more inclusive and equitable research environments.

▼ Is the applicant responsible for determining how to identify what groups are historically underrepresented in the research field relevant to the research proposal and address that within the PIER Plan in order to comply with the requirement?

Strategies and activities for recruitment and inclusion of individuals from diverse backgrounds on the research project, including individuals from groups historically underrepresented in the research area, is [just one of the areas of focus](#) that the applicant may include in the PIER Plan. It is the applicant’s responsibility to identify what groups are historically underrepresented in the research field relevant to the research proposal. Applicants should look at publicly available statistical information, e.g., NSF’s [National Center for Science and Engineering Statistics](#) data for benchmark data in specific scientific fields.

▼ The PIER Plan guidelines call for initiatives that support "participation of individuals from diverse backgrounds," and "participation from diverse participants." What characteristics or categories of "backgrounds" of participants are desired by the Office of Science?

The Office of Science defines diversity broadly. Diversity includes a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, age, religion, culture, language, disability, sexual orientation, gender identity, socioeconomic status, family structure, geographic location, neurodiversity, technical expertise, and life experiences. We recognize this includes characteristics for which there may be limited available data or limited ability to collect specific demographic information from individuals.

▼ **Will there be special guidance included in each solicitation on the underrepresented population(s) targeted by the solicitation?**

Office of Science solicitations now require inclusions of the [PIER Plan](#) proposal element. Individual solicitations may include additional guidance areas, particularly if there is a history of diversity, equity, inclusion, and accessibility efforts within a research portfolio. It is not the intention of the DOE Office of Science to focus on any specific group as historically or contemporarily underrepresented population(s) for a particular solicitation. Rather, the PIER Plan may discuss how the applicants will be promoting inclusion and equity through the project personnel, through the research environment, and/or through the proposed work of the research proposal. This includes but is not limited to recruiting and retaining project personnel who come from groups historically or contemporarily underrepresented in the scientific discipline that is the focus of the research proposal. Please see the [Things to Consider When Developing a PIER Plan](#).

▼ **Other DOE offices have also emphasized the importance of considering how projects will impact marginalized communities. Is this something that falls within the scope of the PIER Plan, or is the focus on the research team itself?**

The primary focus of a PIER Plan is the strategies and activities that will promote diverse participation and safe, professional, equitable, and inclusive environments within the research project. As part of a PIER Plan, applicants may include activities aimed at recruiting project personnel from historically marginalized communities, they may also include outreach to marginalized communities aimed at sharing research related results that serve to benefit those communities. Please see the [Things to Consider When Developing a PIER Plan](#).

▼ **How do international diversity, equity, inclusion, and accessibility efforts factor into PIER Plans? Are these acceptable strategies for PIER Plans?**

Applicants may leverage or build upon existing international diversity, equity, inclusion, and accessibility efforts. These efforts should be integrally related to the proposed research project and to the research community relevant to the research portfolio supported by the sponsoring Office of Science Program Office for the solicitation.

▼ **Will exemplar PIER Plans be posted?**

No. PIER Plans are intended to be specific to the proposed research project. Posting example plans tends to encourage applicants to copy the examples rather than think innovatively about tailored approaches. Innovative approaches that are integral to the research and support participation from diverse participants are encouraged. Applicants may build on existing diversity, equity, accessibility, and inclusion efforts of the project personnel or applicant institution(s). The complexity and detail of a PIER Plan is expected to increase with the size of the research team and the number of personnel supported. Also, be sure to read the funding announcement (Notice of

Funding Opportunity or DOE Laboratory Call) carefully since it may contain unique requirements and include additional reviewer questions to address the unique requirement. Please see the [Things to Consider When Developing a PIER Plan](#).

▼ Are there efforts underway to educate the community on best practices in PIER Plans?

The Office of Science has prepared an initial compendium of existing evidence-based practices in [publicly available reports](#) as an initial resource for the research communities. The Office of Science will continue to assess the content and quality of the PIER Plans received, will evaluate reviewer input and feedback, and will consult subject matter experts. Over time, we will consider what constitutes promising practices or best practices for elements of a good PIER Plan. We look forward to seeing how the community responds to this overall requirement and how those responses can inform future resources.

▼ How “integrated” must a PIER Plan be with research overall? Can participation in STEM pathway development at the K-12 or undergraduate level be included in a proposal that is largely focused on research at the graduate level and beyond?

A PIER Plan should describe the activities and strategies applicants will incorporate to promote diversity, equity, inclusion, and accessibility within their research projects. If the development of a STEM pathway is an integral part of the scope of proposals being solicited by the sponsoring Office of Science Program Offices, then the PIER Plan may include the activities and strategies the applicant will take to promote inclusion and equity within that scope of work.

▼ Are there assessments required as part of a PIER Plan to determine if the proposed plan will be effective?

Applicants are expected to establish their own milestones and measures to assess progress of their PIER Plans. Awardee’s assessment of progress towards implementing the PEIR plans should be included as part of the annual progress reports to the Office of Science. The Office of Science expects Principal Investigators to report on their progress with the PIER Plans with the same rigor that they report on the progress of their research. The success of PIER Plan activities may be evaluated as part of project performance reviews or as part of future renewal awards.

▼ Are PIER Plans required for DOE National Laboratories that receive invitations to submit proposals via PAMS directly from a Program Manager, which do not typically include full FOA instructions?

Yes. PIER Plans are required for invitational proposals by DOE National Labs. Program managers should be including that requirement as part of their instructions in invitations for proposals. If those instructions are not specifically included, please refer to the Office of Science [PIER Plan website](#) for guidance. PIER Plans should not exceed three pages (unless otherwise

specified in the solicitation or SC Program Office) and should be included as an appendix to the research proposal submitted to the Office of Science.

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited research proposal request.

▼ Where in the application should the PIER Plan be included?

The PIER Plan should be submitted as part of the research proposal narrative in an appendix. It should be part of the single PDF that is submitted with the application materials.

▼ What are the length and format requirements of a PIER Plan?

The format of the PIER Plan should follow the format requirements in the solicitation guidance for the proposal narrative. If not otherwise specified, use 1-inch margins and font no smaller than 11-point. The length of the PIER Plan should not exceed three pages. The PIER Plan does not count toward the overall page limit of the research proposal narrative specified in the solicitation.

Be sure to read the solicitation (Notice of Funding Opportunity or DOE Laboratory Call) carefully since it may contain additional requirements. In rare instances, the solicitation may specify an increased page limit due to the size and the complexity of anticipated proposals.

▼ Can I submit my institution's Diversity, Equity, and Inclusion (DEI) Plan as a PIER Plan?

No. Institutional DEIA plans are not a substitute for a PIER Plan. PIER Plans are expected to be specific to the proposed research and an integral part of the scientific and technical merits of the proposed project. PIER Plans may incorporate or build upon existing diversity, equity, accessibility, and inclusion efforts of the project key personnel or applicant institution(s) but should not be a re-statement of standard institutional policies or broad principles.

Submitted PIER Plans that merely cut and paste part of the institution's DEI Plan tend to not receive positive evaluations in the merit review process.

▼ Will you elaborate on how far the PIER Plan may refer to existing university, departmental, and/or institutional diversity, equity, inclusion, and accessibility (DEIA) policies?

Applicants may leverage existing institutional or organizational programs, procedures, and initiatives as they relate to the proposed research in the application being submitted. However, the PIER Plan must describe the direct connection between the programs, procedures, or initiatives and how they will specifically be applied or leveraged by project personnel as part of the proposed research project to support diverse participants in the project and/or support professional, equitable, and inclusive learning and research environments.

Submitted PIER Plans that merely cut and paste part of the institution's DEI plan or policies tend to not receive positive evaluations in the merit review process.

▼ Can a PIER Plan include relevant experiences I did not include in my proposal CV?

Yes. Plans may incorporate or build upon existing diversity, equity, accessibility, and inclusion efforts of the project key personnel, so relevant experiences germane to the PIER Plan may be included. The PIER Plan should be developed to uniquely support the application, and it should provide sufficient relevant detail in order for reviewers to evaluate the PIER Plan consistent with the [merit review criterion](#)'s guiding questions for reviewers.

In addition, be sure to read the solicitation you are responding to carefully since it may contain requirements unique to that solicitation.

▼ If I am already leading outreach efforts that fall within the scope of an existing grant, can these be listed within the PIER Plan for the grant renewal or do they have to be new efforts?

The activities proposed in a PIER Plan for the renewal proposal may build on existing efforts to promote inclusion and equity in research, but the scope of the PIER Plan must specifically describe strategies and activities that will be an integral part of the proposed renewal project.

▼ If the Principal Investigator of the research proposal is already involved in other diversity, equity, inclusion, and accessibility efforts, can the PIER Plan build on that involvement in some way?

There are no restrictions about whether the PIER Plan can leverage existing activities, but the PIER Plan submitted with the application needs to address strategies and activities unique to the submitted research proposal and involve the project personnel on the proposed project.

▼ I forgot to include my PIER Plan; may I email it to the program manager?

No. The PIER Plan must be submitted as an appendix in the single PDF containing the research proposal narrative. Do not email the PIER Plan to the program manager. If the application was submitted before the submission deadline, you may go back into PAMS and resubmit the complete application that includes the PIER Plan prior to the submission deadline. If it is past the submission deadline, the application will be considered incomplete and will not be evaluated.

▼ If multiple institutions are partnering on a research proposal, does each partner institution need to submit a separate PIER Plan with the application?

No. Only one PIER Plan should be submitted with the application and it should incorporate the roles, activities, and strategies of those institutions for promoting equity and inclusion as an intrinsic element of the research project.

▼ If multiple institutions are submitting separate applications as part of a collaborative proposal, should each application submit a PIER Plan unique to their institution?

No. Collaborative proposals must submit one, identical proposal research narrative for all submitting collaborating institutions. Likewise, the applications should include one identical PIER Plan with all collaborative proposals submitted. The single PIER Plan should incorporate the roles, activities, and strategies of the collaborating institutions for promoting equity and inclusion on the research project.

▼ Are PIER Plans required for non-lead DOE National Labs in a collaborative proposal among DOE Labs?

No. A single overall PIER Plan should be included with the research proposal submitted by the lead DOE Lab. The PIER Plan should refer to planned efforts by, or expectations of collaborating partners, including DOE Labs, if they are known at the time of application.

▼ For Principal Investigators who are members of a large community collaboration, can a collaboration-wide standard DEI plan be submitted in place of PIER Plans that are submitted with each individual proposal?

No, a tailored PIER Plan must be submitted with each research proposal submitted to SC. Large community collaborations may be funded through multiple separate award agreements and by multiple agencies. While the PIER Plan may refer to how the proposed DEIA efforts on the proposed research project are linked to or leverage a larger community collaboration's efforts to advance DEIA among the collaboration, each research application to SC must provide a PIER Plan specific to the scope of research being proposed in the application and the proposed project personnel.

▼ It is well established that much of the inclusion and equity work within departments is carried out by faculty who themselves belong to underrepresented or marginalized groups and who tend to be more junior, resulting in a disproportionate workload. For university “umbrella proposals” that include many faculty, how will the PIER Plan format and evaluation ensure that the PIER efforts will be distributed equitably across all key personnel?

Proposals supporting a large team of investigators, broken into multiple sub-projects or tasks must ensure that all key personnel are engaged such that the entire project promotes an equitable, inclusive, and accessible research environment.

For large team proposals awarded under a cooperative agreement, the sponsoring Office of Science Program Office may require additional details on the PIER Plan post-award as part of the overall management plan to ensure equitable roles and responsibilities of key personnel. For large team proposals awarded under standard grant terms and conditions, the sponsoring Office of Science Program Office will evaluate progress reports on PIER Plans to assess whether responsibilities have been shared in an equitable manner.

Program Offices may include additional guidance in the solicitation that requires clarification of roles and responsibilities for the PIER Plan among key personnel. This may include the evaluation of equitable roles and responsibilities in the implementation of past plans as part of the evaluation of renewal proposals.

► **Is it permissible to include costs related to the PIER Plan in the budget of my application?**

▼ **Will allocation of research funds directly towards staff scientist outreach to primary and secondary schools be encouraged?**

No, there is not a specific type of activity being emphasized over others to be included in PIER Plans. Applicants may include costs related to the development and implementation of their PIER Plan in the budget, and those costs will vary based on the scope of the plan. The PIER Plan should describe the activities and strategies applicants will incorporate to promote diversity, equity, inclusion, and accessibility within the scope of their research projects and in the research environment. Outreach may be part of a PIER Plan but is not a required element. Proposed outreach efforts should be integral to advancing diverse participants in the project and/or support professional, equity, and inclusive, learning and research environments within the project to be considered within scope and merit funding.

Please see the *Things to Consider When Developing a PIER Plan*.

▼ **I am only requesting support for myself as a PI, do I still need to submit a PIER Plan with my research proposal?**

Yes, all applications for funding to the Office of Science, with the exception of supplemental proposals and conference proposals, must include the PIER Plan proposal element. All applicants are encouraged to consider what contributions they can make to broadening diverse participation in the field and/or to creating more equitable and inclusive research environments. It is expected that the complexity and detail of a PIER Plan for a single PI submission would be less than that for a larger research project.

▼ **I am only requesting support for one graduate student; do I still need to submit a PIER Plan?**

Yes, all applications for funding to the Office of Science, with the exception of supplemental proposals and conference proposals, must include the PIER Plan proposal element. All applicants are encouraged to consider what contributions they can make to broadening diverse participation in the field and/or to creating more equitable and inclusive research environments. It is expected that the complexity and detail of a PIER Plan for a smaller research project and fewer project personnel would be less than that for a larger research project.

▼ **I am submitting a proposal for funding to host a session at a scientific conference. Do I need a PIER Plan?**

No. Applications requesting SC funding to support a conference do not require a PIER Plan. However, SC established [new requirements for conference proposals](#) beginning in FY 2023. Please see the FY 2024 SC Open Call ([FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#)) for specific information on those requirements for financial assistance awards; requests for conference support from DOE National Laboratories are subject to similar requirements.

▼ Is the PIER Plan weighted more significantly than other review criteria in the merit review process?

In general, SC's merit review criteria are established as the following in descending order of importance (weight), unless otherwise specified in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call):

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and
- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

Read the solicitation carefully to determine the relative significance (or weight) of the criteria for the merit review process associated with the particular solicitation.

▼ Does the PIER Plan guidance include information about how to document the proposed PIER-related activities?

The Office of Science has not provided specific guidance on documenting the progress or outcomes of activities proposed in the PIER Plan. SC anticipates the scope and detail of PIER Plans to vary across applications and solicitations. When developing a PIER Plan, applicants should consider identifying major milestones for proposed activities, related metrics, and how they will track those activities over time. Principal Investigators on funded awards are required to report progress on carrying out their PIER Plans as part of their annual reports to the Office of Science following the standard research progress report formats.

▼ How will the PIER Plan be evaluated by merit reviewers?

The standard merit review criterion for the evaluation of the PIER Plan is, [Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research](#).

The standard guiding questions for reviewers in the evaluation of this criterion may include the following:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and

professional training and research environment and supporting a sense of belonging among project personnel?

- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Please refer to the guiding reviewer questions posted in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call) as some questions may be tailored to the scope and objectives of the solicitation. Plans should include sufficient detail for reviewers to evaluate the plan against the above questions.

▼ How will reviewers be trained to evaluate the PIER Plans?

Reviewers for the Office of Science will be provided standardized guidance for the evaluation of PIER Plans as part of required reviewer orientation materials, including an overview of the application requirements and the broad range of the possible scope areas that could be included in a PIER Plan. Reviewers will be provided [example guiding questions](#) for the review, as well as [information made available to the community](#) to help guide applicants in the development of their PIER Plans.

Reviewers are also encouraged to review the entire list of [Q&As for Applicants](#) as well as the [Q&As for Reviewers](#).

▼ Will my application still be considered and evaluated if it does not include a PIER Plan?

No. If an application is missing a PIER Plan, it will be considered an incomplete application and will not be evaluated. Applicants should consider whether it would be in their best interests to withdraw the application.

▼ I am submitting an application in response to a DOE Laboratory Announcement. Do I need to submit a PIER Plan?

Yes. Applications submitted in response to a DOE Laboratory Announcement must include a PIER Plan. Please refer to the detailed language in the DOE Laboratory Announcement regarding the PIER Plan requirements.

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited research proposal request.

▼ I am a Principal Investigator of an SC-sponsored DOE Laboratory core lab base research program, or science focus area. At the request of my sponsoring SC Program Office, I am submitting a renewal proposal to SC, do I need to include a PIER Plan with my proposal?

Yes. All research proposals submitted to SC from the DOE National Laboratories beginning in FY 2023, whether submitted to a Laboratory Announcement or in response to Program-specific invitation, must include a PIER Plan. Please refer to [the general guidance language](#) on the SC website in addition to the guidance provided by the SC Program Office.

▼ Do current awardees need to provide a PIER Plan for the continuation of their existing multi-year award?

If your current Office of Science award was funded prior to FY 2023, you do not need to submit a separate PIER Plan. However, any renewal proposal submitted to the Office of Science will require a PIER Plan as part of the application.

▼ Do renewal proposals require a PIER Plan?

Yes, renewal proposals submitted to the Office of Science (SC) starting in FY 2023 require a PIER Plan. This includes all Notices of Funding Opportunity, the FY 2024 SC Open Call ([FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#)), DOE Laboratory Announcements, or a proposal submitted to SC in response to a specific SC Program invitational request to a DOE Laboratory for new or renewal funding (e.g., renewal of DOE laboratory base research program, or Science Focus Area proposals).

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited proposal request.

▼ My current award was funded prior to FY 2023, do I need to submit a PIER Plan for an application for supplemental funding on my current award?

No, proposals for supplemental funding on existing awards do not require a PIER Plan.

▼ Who should I contact if I have additional questions about the solicitation and the PIER Plan requirement?

Investigators should always direct their questions to their institutional Office of Sponsored Research (or equivalent). This office is responsible for the content and submission of any applications. Technical SC program managers can always offer advice about the scientific intent of any FOA or Laboratory Announcement. General administrative questions may be sent to sc.grantsandcontracts@science.doe.gov.

Exhibit 1-e



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Q&As for Reviewers - PIER Plans

In preparation for evaluating PIER Plans as part of the merit review process, Reviewers are strongly encouraged to read through all of the [informational materials regarding](#) the PIER Plan proposal element, including the [Things to Consider When Developing a PIER Plan](#), and the [Q&As for Applicants](#) as well as the Q&As for Reviewers below.

▼ What are the guiding reviewer questions for evaluating a PIER Plan?

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

▼ Where can I find information about how to review a PIER Plan?

During the merit review process, the lead SC Program Manager is the best resource for additional information or guidance regarding evaluating the PIER Plan. General information on the PIER Plan requirement is available on the [SC website](#). PIER Plans should address the guiding questions listed in the solicitation under the relevant review criterion: *Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research*. The guiding reviewer questions include:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?

Contact Sponsored Activities

Address

U.S. Department of
Energy
SC-43/Germantown
Building
1000 Independence Ave.,
SW
Washington, DC 20585

Email

Send us a message

sc.grantsandcontracts@scien

- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Additional reviewer questions may be included in the solicitation if applicable to the scope of the solicitation and history of the research efforts; those additional reviewer questions should be provided by the SC Program Offices as part of the overall guidance to reviewers.

▼ I'm not an expert in diversity, equity, inclusion, and accessibility issues, am I qualified to review a PIER Plan?

Yes, all reviewers have the ability to assess a PIER Plan. Topics and issues involving broadening access and creating safe, inclusive, professional learning and research environments are critical to the success of institutions and their employees, trainees, and students. As members of the scientific community who work in institutions with a commitment to promoting employee, student, and faculty diversity and inclusive learning or workplace cultures, reviewers should be able to evaluate PIER Plans. Reviewers should use the guiding reviewer questions provided to assist them as they evaluate plans that will achieve equitable and inclusive research environments and enhance the scientific merit of the proposed research.

▼ Is the PIER Plan weighted more significantly than other review criteria in the merit review process?

In general, SC's merit review criteria are established as the following in descending order of importance (weight), unless otherwise specified in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call):

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and

- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

In general, the order of the merit review criteria listed in the solicitation (Notice of Funding Opportunity or DOE Laboratory Announcement) conveys the relative significance (or weight) of the criteria in descending order of importance.

Every SC Program Office has its own established processes and guidance for reviewers regarding how applications will be evaluated and scored (e.g., numerically and/or adjectivally) in the merit review process for a particular solicitation. The order of importance (i.e., weight) of a particular review criterion relative to other review criteria are specified in the solicitation, and the reviewer guidance relative to their consideration of the review criteria should be consistent with that published order of importance. The lead SC Program Manager is the best resource for information about the relative weighting and scoring rubric for the review you are participating in.

▼ What are the elements of a PIER Plan? Are there examples available to read?

No examples of PIER Plans are provided to encourage applicants to think innovatively about their PIER Plans and tailor their plans to their unique research proposal. The general guidance to applicants about the scope of PIER Plans can be found on the [PIER Plan website](#) and the [Things to Consider When Developing a PIER Plan](#) site. Each PIER Plan is expected to be tailored to the research project and thus unique and integral to the scientific and technical merit of the proposed research. Applicants are discouraged from simply cutting and pasting their institutional policies or plans, PIER Plans must be tailored to the research.

Exhibit 1-f



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Science

Q & As

Contents

- [General Questions](#)
- [Definitions](#)

General Questions

What is the purpose of the DOE Office of Science Diversity, Equity & Inclusion (DEI) Policies webpage? Has the DOE or the Office of Science established any new DEI policies?

This site was established to communicate the DOE Office of Science's (SC) continued commitment to diversity, equity, and inclusion, and in support of this commitment, make DOE's existing policies, regulations, and procedures regarding discrimination and harassment more accessible to the scientific community and the institutions and individuals receiving DOE SC funding.

Currently, this site consists of existing DOE policies already in effect. If and when new DOE or SC policies, practices, resources, and communications are developed or existing policies updated, SC will update this website and/or link to new information.

What is harassment?

Harassment includes any unwelcome conduct or reprisal (verbal, written, or physical) that is based on an individual's race, color, sex (including pregnancy, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), genetic information, or participation in protected equal employment opportunity (EEO) activities including making reports or allegations of harassment or providing information related to such allegations. (10 CFR 1040, 1041, and 1042)

Harassing behaviors can be non-sexual or sexual, including bullying, intimidation, violence, threats of violence, retaliation, and other disruptive behaviors or unwelcome conduct that: (1) has the purpose or

Contact Office of Scientific Workforce and Integrity

Address

U.S. Department of
Energy
SWI/Germantown
Building
1000 Independence
Ave., SW
Washington, DC
20585

Email

Send us a message

sc.swi@science.doe.gov

effect of unreasonably interfering with an employee's work performance; (2) creates an intimidating, hostile, or offensive work environment; or (3) affects an employee's employment opportunities or compensation.

What is sexual-harassment?

Sexual harassment is any unwelcome behavior of a sexual nature including, but not limited to, unwelcome sexual advances, requests for sexual favors (i.e., sexual coercion, including quid pro quo), physical conduct of a sexual nature, or other similar behavior. Sexual harassment also includes verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of a particular gender (e.g., gender harassment) (NAS 2018).

What is discrimination?

Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. Discrimination can be the effect of law or established practice that confers privileges on a certain class or denies privileges to a certain class. DOE prohibits discrimination based on an individual's race, color, sex (including pregnancy, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), genetic information, or participation in protected equal employment opportunity (EEO) activities.

What is retaliation?

Retaliation can be a form of discrimination or harassment where an individual is subjected to an adverse employment action or harassment, solely because he or she filed a charge of discrimination or harassment, participated in an EEO investigation, proceeding, or hearing, or took other similar action in opposition to unlawful discrimination or harassment.

Where can I find more information about DOE's policies for addressing discrimination and sexual harassment?

Information about DOE's policies and regulations can be found on the DOE Office of Science's Diversity, Equity, and Inclusion website, or on the website of DOE's Office of Civil Rights and Diversity (OCRD).

Does the Department of Energy have the authority and a process for investigating allegations of sexual harassment reported directly to DOE?

Yes. DOE's Office of Civil Rights and Diversity (OCD) is responsible for monitoring and enforcing compliance with civil rights regulations that apply to DOE financial assistance recipients. Financial assistance recipients may be colleges or universities, non-profit or for-profit organizations. OCD has established authorities and procedures for receiving and investigating complaints involving discrimination or harassment, including complaints of sexual and non-sexual harassment.

OCD also has responsibility for receiving and investigating complaints by DOE federal employees involving discrimination or harassment.

DOE has broad authorities for investigating any issues regarding its National Laboratories or sites. For the 16 DOE national laboratories operated under a Management & Operating (M&O) contracts, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) also conducts compliance evaluations of federal contractors and subcontractors personnel policies and procedures. The office also conducts complaint investigations.

What is federal financial assistance?

Federal financial assistance includes grants and cooperative agreements. It is payment, grant, or disbursement of Federal funds, property, or services received or administered by a non-Federal entity to accomplish a public purpose of support or stimulation as authorized by Federal statute. For the purposes of this policy, the forms of assistance are those given in 2 CFR 200.40(a), Federal Financial Assistance.

Does DOE require academic institutions to notify DOE when a university has put a Principal Investigator on administrative leave due to a pending investigation regarding sexual harassment or final determination of sexual harassment, similar to the new Term and Condition policy of the National Science Foundation ?

DOE does not currently have a Term and Condition policy similar to the NSF policy. Recipients of DOE financial assistance awards (grants or cooperative agreement) are currently required to notify the DOE contracting officer whenever a Principal Investigator or approved project director must be absent from the project for more than three months, or

when there is a 25 percent reduction in time devoted to the project, for any reason including administrative leave.

The Department is engaged in internal discussions regarding options for pursuing a requirement similar to that required in the NSF Term and Condition policy.

What is a DOE National Laboratory Management & Operating (M&O) contract?

Sixteen of DOE's National Laboratories are Federally Funded Research and Development Centers (FFRDCs) operated by private sector organizations under sponsoring agreements known as **management and operating (M&O) contracts**. The M&O contracts are unique in that they are long-term partnerships due to the ongoing and sustained nature of work performed at the laboratories. The work performed under M&O contracts is intimately related to DOE's mission, is of a long-term and continuing nature, and, among other things, includes special requirements for work direction, safety, security, cost controls, and site management.

The DOE Office of Science stewards 10 of the 16 DOE National Laboratories managed under M&O contracts. The combination of the FFRDC designation and M&O contracting mechanism allows DOE to partner with universities, non-profit, and private entities, and enables the flexibility needed to operate laboratories on the frontier of science and technology while safely and efficiently stewarding the national laboratories as federal R&D resources.

The policies and regulations that apply to DOE M&O contracts are set by federal contracting regulations and DOE regulations, directives, and policies.

DEFINITIONS

Diversity

Diversity describes an environment where unique talents and differences of all employees are recognized, respected and valued for professional and mission success. Diversity includes a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, age, religion, culture, language, disability, sexual orientation, gender identity, socioeconomic status, family structure, geographic location, diversity of thought, technical expertise, and life

experiences. Tapping into this broad spectrum of diversity will enable DOE to deliver on its mission to address energy, environmental, and nuclear challenges on behalf of the American people.

Equity

Equity is an approach that ensures everyone has access to the same opportunities and distribution of resources. It is a process, or collection of processes, that acknowledges uneven starting places and continues to correct and address the imbalance.

Inclusion

Inclusion is an outcome of intentional engagement in which all individuals and groups are treated fairly and respectfully, are welcome and supported, and are made to feel valued as being essential to the mission and success of the institution.

Underrepresented

Underrepresented is a relative term and it has no meaning without knowing the baseline comparison. It is a more inclusive term that incorporates demographic factors beyond gender, race, and ethnicity, such as disability or socioeconomic status. There are several different baselines that can be used to define “underrepresented” for a particular context. Depending on the focus or goals of an SC Program Office’s effort, any of these might be appropriate:

- The National Science Foundation National Center for Science and Engineering Statistics data from the report on, which uses the U.S. population as a baseline for determining whether women, minorities, or persons with disabilities are [Women, Minorities, and Persons with Disabilities in STEM](#) underrepresented across STEM fields at various education and career stages.
- [Department of Education National Center for Education Statistics data](#) on the demographics of undergraduates by STEM degree at the time of graduation.
- The demographics of the U.S. population based on [U.S. Census Data](#) .